

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT

FILED

JUL 16 2020

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA  
OAKLAND OFFICE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MARCUS BELTON,  
Defendant

) Case No. 14-CR-00030-JST-1  
) Informal Brief to Reconsider  
) [ECF Nos. 316-09/26/19] and in  
) Alternative Grant Certificate Of  
) Appealability  
) Request For Order Leave To Amend  
) Under Federal Rules Of Civil  
) Procedure 15 (a) To Correct the  
) Wrongful omissions in the Informal  
) Brief that was sent to the court &  
) U.S. Attorney's Office

-----)

This Motion of request is due to Belton is stil on quarantine & is only allowed out of his cell for law libarary for one hour a week which he has had to hire a Para legal & due to the time of dead line the first draft of his Informal Brief was sent befor he had a chance to review it, and Belton do not want to mislead the Court or Government Attorney's Belton is asking for an additional two weeks to have the corrections in the Brief so that the filings in the Brief are clear Belton respectfully prays that the Court Grant this request

This is under the penalty of perjury and in good faith

Respectfully Submitted,

Excuted on July 16, 2020

/s/Marcus Belton

Marcus Belton

98903-011



U.S. DEPARTMENT OF JUSTICE

## REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

*Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.*

From: Marcus Belton 98903-011 F-unit USP-Lompoc  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A- INMATE REQUEST

I would like to know why I'm being denied by My unit team for review under 3582, for Home confinement, I have high blood presure, Type two kidney disease, Asthma. I'm 49 years old on a walker due to lower back problems and half of my time is served with good time, I'm non volient. This modife program with me being in a cell for over 20 hours a day is causing extrem pain in my back and keens, I also have an on going Appeal in the courts and my communication with my Para legal is not working due to I don't know when I'm coming out of the cell this is now causing Mental deterioation I feel helpless I feel like I'm in the hole for no reason violation of My 8th Amend right crule and unusual punishment.

July 16, 2020  
DATE

Marcus Belton  
SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

*If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.*

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)



**Complex:** LOX--LOMPOC FCC  
**Inmate:** BELTON, MARCUS

**Begin Date:** 06/16/2019  
**Reg #:** 98903-011

**End Date:** 06/16/2020  
**Quarter:** F02-012L

### Active Prescriptions

**Rx#:** 302779-LOX **Doctor:** Souferzadeh, Navid MD  
**Start:** 07/20/19 **Exp:** 07/20/19

**Pharmacy Dispensings:** 0 TAB in 332 days

Lisinopril 20 MG Tab

Take one tablet (20 MG) by mouth each day (per provider) \*\*\*pill line\*\*\* \*\*\*pill line\*\*\*

**Rx#:** 313483-LOX **Doctor:** Dhaliwal, Jaspal MD

**Start:** 01/03/20 **Exp:** 01/02/21 **D/C:** 04/16/20

**Pharmacy Dispensings:** 30 TAB in 165 days

Lisinopril 10 MG Tab

Take one tablet (10 MG) by mouth daily \*\*\*pill line\*\*\*

**Rx#:** 320775-LOX **Doctor:** Watson, William MD

**Start:** 04/15/20 **Exp:** 10/12/20

**Pharmacy Dispensings:** 30 TAB in 62 days

metFORMIN HCl 500 MG Tab

Take one tablet (500 MG) by mouth twice daily

**Rx#:** 294640-LOX **Doctor:** Watson, William MD

**Start:** 04/04/19 **Exp:** 10/01/19

**Pharmacy Dispensings:** 60 TAB in 439 days

metFORMIN HCl 500 MG Tab

Take one tablet (500 MG) by mouth twice daily (per provider) \*\*\*pill line\*\*\* \*\*\*pill line\*\*\*

**Rx#:** 313484-LOX **Doctor:** Dhaliwal, Jaspal MD

**Start:** 01/03/20 **Exp:** 01/02/21 **D/C:** 04/16/20

**Pharmacy Dispensings:** 60 TAB in 165 days

metFORMIN HCl 1000 MG Tab

Take one tablet (1000 MG) by mouth two times a day \*\*\*pill line\*\*\*

**Rx#:** 320776-LOX **Doctor:** Watson, William MD

**Start:** 04/15/20 **Exp:** 10/12/20

**Pharmacy Dispensings:** 120 TAB in 62 days

methylPREDNISolone 4 MG Tab [ 21 count Pack]

Take tablets by mouth each day according to package directions for 6 days (\*\*USP night stock)

**Rx#:** 312040-LOX **Doctor:** Hoen, Liza PA-C

**Start:** 12/12/19 **Exp:** 12/18/19

**Pharmacy Dispensings:** 21 tab in 187 days

Promethazine HCl Inj 25 MG/ML, 1ML

inject 25mg Intra-Muscularly one time dose given AS NEEDED \*\*\*pill line\*\*\* \*\*\*pill line\*\*\*

**Rx#:** 319982-LOX **Doctor:** Souferzadeh, Navid MD

**Start:** 03/29/20 **Exp:** 03/29/20

**Pharmacy Dispensings:** 0 ML in 79 days

**COPY**

Sensitive But Unclassified

**SBU**

**Complex:** LOX--LOMPOC FCC  
**Inmate:** BELTON, MARCUS

**Begin Date:** 06/16/2019  
**Reg #:** 98903-011

**End Date:** 06/16/2020  
**Quarter:** F02-012L

### Active Prescriptions

Take two tablets (650 MG) by mouth four times daily for 7 days

**Rx#:** 320222-LOX      **Doctor:** Cullop, J. FNP-BC

**Start:** 04/07/20      **Exp:** 04/14/20

**Pharmacy Dispensings:** 56 TAB in 70 days

Acetaminophen 325 MG Tab

Take two tablets (650 MG) by mouth four times daily for 7 days

**Rx#:** 320781-LOX      **Doctor:** Watson, William MD

**Start:** 04/15/20      **Exp:** 04/22/20

**Pharmacy Dispensings:** 48 TAB in 62 days

Albuterol Inhaler HFA (8.5 GM) 90 MCG/ACT

\*SHAKE WELL\* inhale 2 puffs by mouth every four hours

**Rx#:** 320223-LOX      **Doctor:** Cullop, J. FNP-BC

**Start:** 04/07/20      **Exp:** 04/21/20

**Pharmacy Dispensings:** 8.5 GM in 70 days

Aspirin 81 MG EC Tab

Take one tablet (81 MG) by mouth daily

**Rx#:** 294637-LOX      **Doctor:** Watson, William MD

**Start:** 04/04/19      **Exp:** 10/01/19

**Pharmacy Dispensings:** 60 TAB in 439 days

Aspirin 81 MG EC Tab

Take one tablet (81 MG) by mouth daily with food \*\*\*Do Not Crush\*\*\*

**Rx#:** 313754-LOX      **Doctor:** Dhaliwal, Jaspal MD

**Start:** 01/02/20      **Exp:** 01/01/21

**Pharmacy Dispensings:** 60 TAB in 166 days

Atorvastatin 20 MG TAB

Take one tablet (20 MG) by mouth at bedtime

**Rx#:** 294638-LOX      **Doctor:** Watson, William MD

**Start:** 04/04/19      **Exp:** 10/01/19

**Pharmacy Dispensings:** 60 tab in 439 days

Atorvastatin 20 MG TAB

Take one tablet (20 MG) by mouth at bedtime \*\*\*pill line\*\*\* \*\*\*pill line\*\*\*

**Rx#:** 313481-LOX      **Doctor:** Dhaliwal, Jaspal MD

**Start:** 01/03/20      **Exp:** 01/02/21      **D/C:** 04/16/20

**Pharmacy Dispensings:** 30 tab in 165 days

Atorvastatin 20 MG TAB

Take one tablet (20 MG) by mouth at bedtime \*\*\*pill line\*\*\* \*\*\*pill line\*\*\*

**Rx#:** 320773-LOX      **Doctor:** Watson, William MD

**Start:** 04/15/20      **Exp:** 04/15/21      **D/C:** 06/12/20

**Pharmacy Dispensings:** 120 tab in 62 days

Atorvastatin 20 MG TAB

Take one tablet (20 MG) by mouth at bedtime

**Rx#:** 325984-LOX      **Doctor:** Watson, William MD

**Start:** 04/15/20      **Exp:** 04/15/21

**Pharmacy Dispensings:** 30 tab in 62 days



Reg #: 98903-011 Inmate Name: BELTON, MARCUS

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
L neck induration						
05/02/2017 12:07 EST McPherson, Bernard APRN						
L neck induration						
<b>Confirmed case COVID-19</b>						
05/11/2020 18:32 EST Figlenski, Jessica WXRO Q/IPC/RN	ICD-10		S199XX	05/02/2017	Current	
4/6/2020 collection: (+) COVID 19 test result---In Lab Reports						
04/22/2020 08:16 EST Ratliff, J. OMDT, APRN						
4/6/2020 collection: (+) COVID 19 test result---In Lab Reports						
<b>Encounter for general adult medical exam without abnormal findings</b>						
11/29/2017 17:02 EST Villalon, Salvador MD	ICD-10		U07.1	04/06/2020	Resolved	05/11/2020
10/12/2016 14:59 EST Malingkas, Victoria MLP	ICD-10		U07.1	04/06/2020	Current	
<b>Suspect for COVID-19 Coronavirus like illness</b>						
04/10/2020 00:44 EST Figlenski, Jessica WXRO Q/IPC/RN	ICD-10		Z0000	10/12/2016	Resolved	11/29/2017
04/06/2020 18:19 EST Cullop, J. FNP-BC	ICD-10		Z0000	10/12/2016	Current	
<b>Quarantine - asymptomatic person in quarantine</b>						
04/06/2020 18:19 EST Cullop, J. FNP-BC	ICD-10		Z0489-	04/06/2020	Resolved	04/09/2020
04/02/2020 00:46 EST Dixon, Thomas RN/IDC/IOP	ICD-10		Z0489-	04/06/2020	Current	
<b>Body mass index (BMI) 32.0-32.9, adult</b>						
08/20/2018 12:31 EST Watson, William MD	ICD-10		Z0489-q	04/01/2020	Resolved	04/06/2020
02/21/2018 20:02 EST Watson, William MD	ICD-10		Z0489-q	04/01/2020	Current	
<b>Patient's noncompliance with other medical treatment and regimen</b>						
02/21/2018 20:04 EST Watson, William MD	ICD-10		Z6832	02/21/2018	Resolved	08/20/2018
11/21/2017 15:56 EST Hernandez, Martin MLP	ICD-10		Z6832	02/21/2018	Current	
	ICD-10		Z9119	11/21/2017	Resolved	02/21/2018
	ICD-10		Z9119	11/21/2017	Current	

Total: 42

**COPY**  
Sensitive But Unclassified  
**SBU**

**Bureau of Prisons**  
**Health Services**  
**Medical Duty Status**

Reg #: 98903-011

Inmate Name: BELTON, MARCUS

**Housing Status**

☐ confined to the living quarters except ☐ meals ☐ pill line ☐ treatments Exp. Date: \_\_\_\_\_

☐ on complete bed rest: ☐ bathroom privileges only Exp. Date: \_\_\_\_\_

☒ cell: ☒ cell on first floor ☐ single cell ☒ lower bunk ☐ airborne infection isolation Exp. Date: 12/13/2020

☒ other: NO STAIRS Exp. Date: 12/13/2020

**Physical Limitation/Restriction**

☐ all sports Exp. Date: \_\_\_\_\_

☐ weightlifting: ☐ upper body ☐ lower body Exp. Date: \_\_\_\_\_

☒ cardiovascular exercise: ☒ running ☒ jogging ☐ walking ☒ softball Exp. Date: 04/30/2020

☒ football ☒ basketball ☒ handball ☐ stationary equipment

☒ other: Inmate can wear his personal soft shoes. Exp. Date: 12/13/2020

**May have the following equipment in his / her possession:**

Equipment	Start Date	End Date	Return Date
Brace - back	12/17/2018	04/30/2020	
Brace - knee	08/29/2018	04/30/2020	
size medium			
Brace - ankle	08/07/2018	04/30/2020	
Walker	10/26/2016	12/30/2020	

**Work Restriction / Limitation:**Cleared for Food Service: Yes

Restriction	Expiration Date
No Climbing	12/13/2020
No Ladders	12/13/2020
No Lifting More Than 15 Pounds	12/13/2020

**Comments:** Hx Left ankle fracture GSW with bone graft and ORIF

Hoen, Liza PA-C

12/30/2019

Health Services Staff

Date

Inmate Name: BELTON, MARCUS Reg #: 98903-011 Quarters: F02**ALL EXPIRATION DATES ARE AT 24:00**



Reg #: 98903-011 Inmate Name: BELTON, MARCUS

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
02/21/2018 20:01 EST Watson, William MD BMI of 30.7	ICD-10		E669	01/23/2017	Resolved	02/21/2018
11/29/2017 14:27 EST Villalon, Salvador MD BMI of 30.7	ICD-10		E669	01/23/2017	Current	
01/23/2017 17:55 EST Villalon, Salvador MD BMI of 31.5	ICD-10		E669	01/23/2017	Current	
<b>Mononeuropathy of lower limb</b>						
02/21/2018 20:02 EST Watson, William MD left leg	ICD-10		G5790	06/08/2017	Resolved	02/21/2018
06/08/2017 15:11 EST Hernandez, Martin MLP left leg	ICD-10		G5790	06/08/2017	Current	
<b>Inflammation of eyelid</b>						
01/04/2019 16:15 EST Watson, William MD large stye	ICD-10		H019	08/06/2018	Resolved	01/04/2019
08/07/2018 10:34 EST Hoen, Liza PA-C large stye	ICD-10		H019	08/06/2018	Current	
08/06/2018 14:46 EST Hoen, Liza PA-C	ICD-10		H019	08/06/2018	Current	
<b>Secondary hypertension, unspecified</b>						
01/04/2019 16:15 EST Watson, William MD	ICD-10		I159	02/21/2018	Resolved	01/04/2019
02/21/2018 20:00 EST Watson, William MD	ICD-10		I159	02/21/2018	Current	
<b>Acute upper respiratory infection, unspecified</b>						
01/04/2019 16:16 EST Watson, William MD	ICD-10		J069	07/27/2018	Resolved	01/04/2019
07/27/2018 12:12 EST Watson, William MD	ICD-10		J069	07/27/2018	Current	
<b>Bronchitis</b>						
11/29/2017 17:02 EST Villalon, Salvador MD aspiration of blood	ICD-10		J40	09/07/2017	Resolved	11/29/2017
09/07/2017 15:26 EST Hernandez, Martin MLP aspiration of blood	ICD-10		J40	09/07/2017	Current	
<b>Gastro-esophageal reflux disease without esophagitis</b>						
01/04/2019 16:15 EST Watson, William MD	ICD-10		K219	11/29/2017	Resolved	01/04/2019
11/29/2017 14:50 EST Villalon, Salvador MD	ICD-10		K219	11/29/2017	Current	
<b>Dizziness and giddiness</b>						
11/29/2017 17:02 EST Villalon, Salvador MD	ICD-10		R42	01/24/2017	Resolved	11/29/2017
01/24/2017 15:51 EST Hernandez, Martin MLP	ICD-10		R42	01/24/2017	Current	
<b>Unspecified injury of neck</b>						
11/29/2017 17:02 EST Villalon, Salvador MD	ICD-10		S199XX	05/02/2017	Resolved	11/29/2017

Reg #: 98903-011 Inmate Name: BELTON, MARCUS

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
02/21/2018 20:04 EST Watson, William MD left L4, L5		ICD-10	M5410	02/21/2018	Current	
<b>Low back pain</b>						
11/02/2016 18:55 EST Hernandez, Martin MLP		ICD-10	M545	11/02/2016	Current	
<b>Pain in leg, unspecified</b>						
11/02/2016 18:55 EST Hernandez, Martin MLP left knee and ankle		ICD-10	M79606	11/02/2016	Current	
<b>Chronic kidney disease, stage 2 (mild)</b>						
12/28/2018 11:50 EST Watson, William MD GFR 66		ICD-10	N182	12/28/2018	Current	
<b>Disorder of kidney and ureter, unspecified</b>						
08/20/2018 12:43 EST Watson, William MD Creat. 1.46, HCO3 improved nl 7/30/18		ICD-10	N289	2017	Current	
07/27/2018 12:15 EST Watson, William MD Creat. elevated 1.43, Bicarb 17 at previous institution 11/2017 in CMP; no DaVita access today due to network p. diff.		ICD-10	N289	2017	Current	
07/27/2018 12:12 EST Watson, William MD Creat. elevated 11/2017 in CMP; no DaVita access today due to network p. diff.		ICD-10	N289	07/27/2018	Current	
<b>Chest pain, unspecified</b>						
12/15/2017 15:41 EST Malingkas, Victoria MLP		ICD-10	R079	11/08/2017	Current	12/15/2017
11/29/2017 17:02 EST Villalon, Salvador MD		ICD-10	R079	11/08/2017	Resolved	11/29/2017
11/08/2017 18:05 EST Hernandez, Martin MLP		ICD-10	R079	11/08/2017	Current	
<b>Dizziness and giddiness</b>						
08/19/2019 11:42 EST Baker, Stephen PA-C Orthostatic-related correlates with hx of hypovolemia. Not currently prescribe diuretics.		ICD-10	R42	08/19/2019	Current	
08/19/2019 11:40 EST Baker, Stephen PA-C Orthostatic-related correlates with hx of hypovolemia		ICD-10	R42	08/19/2019	Current	
<b>Headache</b>						
04/09/2016 00:43 EST Quinn, Ross MD/CD Non-specific, possibly exacerbated by vision problems, "wry" neck, and chronic leg pain.		ICD-10	R51	04/08/2016	Current	
<b>History of noncompliance with medical treatment</b>						
01/04/2019 16:16 EST Watson, William MD This inmate is refusing treatment	III	ICD-9	V15.81	01/08/2016	Current	01/08/2016
01/08/2016 12:42 EST Rutledge, Franklin MD This inmate is refusing his blood pressure checks.	III	ICD-9	V15.81	01/08/2016	Current	01/08/2016
<b>Body mass index (BMI) 33.0-33.9, adult</b>						



**CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

\* You must serve each document you file by sending or delivering to the opposing side. Complete this form, and include it with the document that you file and serve.\*

1. **Case Name:** USA v. Belton

2. **Case Number:** 4:14-cr-00030-JST-1

3. **What documents were served?** [Write the full name or title of the document or documents] Informal Brief to Reconsider Order [ECF Nos. 316 :09/26/2019]  
and InAlternative Grant Certificate ofAppealability

4. **How was the document served?** [check one]



Placed in U.S. Mail



Hand-delivered



Sent for delivery (e.g., FedEx, UPS)



Sent by fax (if the other party has agreed to accept service by fax)

5. **Who did you send the document to?** [Write the full name and contact information for each person you sent the document.]

Andrew Joseph Briggs U.S. Attorney's Office

1301 Clay Street Suite 340S

Oakland, CA 94612

Email: andrew.briggs@usdoj.gov

U.S. District Court

1301 Clay St

Oakland, CA. ~~94612~~ 94612

6. **When were the documents sent?** July 16, 2020

7. **Who served the documents?** [Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature:

Marcus Belton

Name:

Marcus Belton

Address:

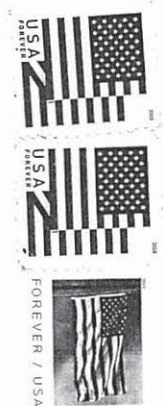
United States Penitentiary-Lompoc  
Lompoc, CA. 93436. 3901 Klien Blvd.

Marcus

United States Penitentiary-Lompoc.

3901 Klien Blvd.

Lompoc, CA. 93436.



Legal Mail

United States District Court  
1301 Clay St. Oakland CA. 94621



FCC LOMPOC  
3901 KLEIN BLVD  
LOMPOC, CA 93436

DATE

7.17.20

The following letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened or inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another address, please return the enclosed to the above address.

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